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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,871	08/30/2001	Peter A. Barany	NORT-0102-US 13554RRUS02U	2245

7590 12/15/2005  
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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/943,871	BARANY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ming Chow	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Allowable Subject Matter*

1. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach the first value of the first indicator indicates one of a local TLLI, a foreign TLLI, and a random TLLI, and the second value of the second indicator indicates one of a local GCRI and a random GCRI..

*Drawings*

2. The drawing was received on 9-21-05 is acknowledged. The drawings is not acceptable. The drawing is objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the added element “RNC” does not have a reference number in the drawing and the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

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amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1, 9, 10, 14, 20, 24, 25 are rejected under 35 U.S.C 102(e) as being anticipated by Khullar (US: 6748246).

For claims 1, 20, Khullar teaches on item 300 Fig. 3, a controller. Khullar teaches on column 6 line 4-10, the controller receives input signals of low power indicating a desire of changing the access technology. The controller processes the signals and selects one of supported access technologies (claimed “protocol stacks”).

The controller on a multimode terminal device (Fig. 3) can be read as claimed “wireless network controller”.

Further, Khullar also teaches on column 7 line 23-35, the “selection” by a controller may also take place at a base station (also read on claimed “wireless network controller”). Any message sent between a wireless terminal and a base station must be over an air interface.

Regarding claims 9, 10, 14, 24, 25, rejections as stated in claim 1 above apply.

Khullar teaches on column 3 line 11-25, a determination of minimum radiated power level between different access technologies is a “contention resolution”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 15-17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar, and in view of Ejzak (US: 6772112).

Regarding claims 2, 15, 22, rejections as stated in claim 1 above apply.

Khullar failed to teach “selecting one of plural types of protocol stacks comprises selecting from protocol stacks comprising a GERAN protocol stack”. However, Ejzak teaches on column 3 line 53-59 and Fig. 13, GERAN used techniques between a mobile station and a base station.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “selecting one of plural types of protocol stacks comprises selecting from protocol stacks comprising a GERAN protocol stack” as taught by Ejzak such that the modified system of Khullar would be able to support the system users conveniences of selecting the GERAN technology for a better communication.

Regarding claims 3, 4, 16, 17, the modified system of Khullar in view of Ejzak as stated in claim 2 above failed to teach “EGPRS protocol”. However, Ejzak teaches on column 12 line 54-58 (and throughout the whole reference), EGPRS protocol.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Ejzak to have the “EGPRS protocol” as taught by Ejzak such that the modified system of Khullar in view of Ejzak would be able to support the system users conveniences of selecting the EGPRS technology for a better communication.

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5. Claims 5-8, 11, 18, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar, and in view of Sevanto et al (US: 6848008).

Regarding claims 5, 11, 23, rejections as stated in claim 1 above apply.

Khullar failed to teach “receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values”. However, Sevanto et al teaches on column 4 line 17, TLLI.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values” as taught by Sevanto et al such that the modified system of Khullar would be able to support the system users to use the temporary logical link identity structure to accurately indicate the protocol.

Regarding claims 6-8, 18, 21, the modified system of Khullar in view of Sevanto et al as stated in claim 5 above failed to teach “selecting one of plural types of protocol stacks comprises a first protocol stack if the temporary logical link identity structure has a first value”. However, Sevanto et al teach on column 4 line 19-34, different TLLI identity for different communication connection.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Sevanto et al to have the “selecting one of plural types of protocol stacks comprises a first protocol stack if the temporary logical link identity structure has a first value” such that the modified system of Khullar in view of Sevanto et al would be able to support the system users to indicate different protocol stack by different TLLI values.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 9 above, in view of Ejzak.

Khullar failed to teach “the parameter comprises receiving a GERAN contention resolution identity”. However, Ejzak teaches on column 3 line 53-59 and Fig. 13, GERAN used techniques between a mobile station and a base station.

Khullar teaches on column 4 Table 1, various contention resolution identities for determining the access technology.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in view of Ejzak to have the “the parameter comprises receiving a GERAN contention resolution identity” as taught by Ejzak such that the modified system of Khullar would be able to support the system users to receive the parameter to indicate GERAN connection.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 1 above, and in view of Sebire (US: 6870858).

Khullar et al failed to teach “receiving the indicator comprises receiving one of plural training sequences”. However, Sebire teaches on column 2 line 25-61, training sequences signaling for EGPRS.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “receiving the indicator comprises receiving one of plural training sequences” as taught by Sebire such that the modified system of Khullar would be able to



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support the system users conveniences of receiving the indicator which comprises training sequences.

8. Claims 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 24 above.

Khullar failed to teach “contention resolution using indicator to distinguish between different mobile stations”. As Khullar teaches access technology is selected (contention resolution) in a multi-mode mobile station. Therefore, “Official Notice” is taken that “multiple mobile stations with different modes” is old and well known to one skilled in the art.

It would have been obvious to one skilled in the art at the time the invention was made to modify Khullar’s system so that selecting different access technologies among different terminals with different modes can be supported to the users.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar as applied to claim 1 above, in view of Park et al (US: 6853852).

Khullar failed to teach “selecting protocol stacks in the wireless network controller comprises selecting protocol stacks in a base station and radio network controller”. However, Park et al teach on column 5 line 20–61, protocol stack is implemented between a mobile station, a base station, and a wireless network. The protocol stack must be selected among a mobile station, a base station, and a wireless (radio) network controller for the flow of wireless data communication.

It would have been obvious to one skilled at the time the invention was made to modify Khullar to have the “selecting protocol stacks in the wireless network controller comprises selecting protocol stacks in a base station and radio network controller” as taught by Park et al such that the modified system of Khullar in view of Park et al would be able to support the system users better wireless data communication by selecting protocol stacks among a base station and a radio network controller.

*Response to Arguments*

10. Applicant's arguments filed on 9/21/05 have been fully considered.
  - i) Applicant argues, on page 9, regarding cited prior art Hurtt et al. The rejections to claim 19 is withdrawn.
  - ii) Applicant argues, on page 9-10, regarding claim 1. Khullar clearly teaches on column 7 line 23-35, the “selection” can be performed on the network side also.
  - iii) Applicant argues, on page 10, regarding claim 9. The determination of minimum radiated power level between different access technologies for each mobile station is based on the signal sent from each mobile station. Therefore, the “determination” per each mobile station inherently distinguishes the multiple mobile stations.

***Conclusion***

11. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- US: 2004/0017798.

12. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 212-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 571-273-8300.**

Patent Examiner

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Ming Chow

